

Meghan O. Lambert, Esq.
Osterhout Berger Disability Law, LLC
521 Cedar Way, Suite 200
Oakmont, PA 15139
Phone: 412-794-8003
Meghan@mydisabilityattorney.com
CA Bar ID: 258040
Attorney for Plaintiff, Kathleen Victoria Esparza

PHILLIP A. TALBERT
Acting United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel
Oscar Gonzalez de Llano
Special Assistant United States Attorney
Social Security Administration
160 Spear Street, Suite 800
San Francisco, CA 94105
Telephone: 415-268-5601
Email: Oscar.Gonzalez@ssa.gov
Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KATHLEEN VICTORIA ESPARZA

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

No. 2:20-cv-0824 DB

STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES UNDER THE
EQUAL ACCESS TO JUSTICE ACT (EAJA)
28 U.S.C. § 2412(d)

TO THE HONORABLE DEBORAH BARNES, MAGISTRATE JUDGE OF THE
UNITED STATES DISTRICT COURT:

The Parties through their undersigned counsel, subject to the Court's approval, stipulate that Plaintiff be awarded attorney fees in the amount of TEN THOUSAND DOLLARS and 00/100 (\$10,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) and

1 costs in the amount of FOUR HUNDRED DOLLARS (\$400.00), to be paid separately from the
2 Judgment Fund. This amount represents compensation for all legal services rendered on behalf of
3 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

4 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
5 the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560
6 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
7 depend on whether the fees are subject to any offset allowed under the United States Department
8 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
9 determine whether they are subject to any offset.
10

11 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
12 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,
13 expenses and costs to be made directly to counsel, pursuant to the assignment executed by
14 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel, Meghan O. Lambert at
15 521 Cedar Way, Suite 200, Oakmont, Pennsylvania 15139.

16 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA fees,
17 and does not constitute an admission of liability on the part of Defendant under the EAJA.
18 Payment of TEN THOUSAND DOLLARS and 00/100 (\$10,000.00) in EAJA attorney fees and
19 FOUR HUNDRED DOLLARS (\$400.00) in costs to be paid separately from the Judgment Fund.
20 These payments shall constitute a complete release from, and bar to, any and all claims that
21 Plaintiff and Plaintiff's attorney, Meghan O. Lambert, may have relating to EAJA attorney fees
22 in connection with this action.

23 This award is without prejudice to the rights of Plaintiff's attorney to seek Social Security
24 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.
25
26
27
28

Respectfully submitted,

Dated: May 12, 2022

/s/ Meghan O. Lambert
MEGHAN O. LAMBERT
Attorney for Plaintiff

Dated: May 13, 2022

PHILLIP A. TALBERT
Acting United States Attorney

DEBORAH LEE STACHEL
Regional Chief Counsel

By: /s/ Oscar Gonzalez de Llano*
OSCAR GONZALEZ DE LLANO
Special Assistant U.S. Attorney
Attorneys for Defendant
(*Permission to use electronic signature
obtained via email on May 12, 2022).

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.

DATED: May 13, 2022

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE